

The Southern Argus

AND LOWNDES COUNTY ADVERTISER.

VOL. 4.

COLUMBUS, MISSISSIPPI, THESDAY, SEPTEMBER 26, 1837.

NO. 2.

THE SOUTHERN ARGUS,
AND
Lowndes County Advertiser,
Printed, Published and Edited
by
P. BYRON BARKER.

Is published every TUESDAY at Five Dollars in advance, or Six Dollars if not paid in advance. No subscription received for less than six months. ADVERTISEMENTS not exceeding one square (ten lines or less) will be inserted at One Dollar for the first insertion and Fifty Cents for each continuance. Individual advertisements from a distance will not be inserted unless the money is sent with them.

OUR Advertising customers are requested to mark on their advertisements the number of times they wish them inserted, otherwise they will be published till forbidden and charged accordingly. Publications of a personal nature will be charged double price.

LETTERS addressed to the Editors on business connected with the Office must be post paid, otherwise they will not be attended to.

BY AUTHORITY.
AN ACT TO INCORPORATE THE
SUBSCRIBERS TO THE MISSISSIPPI
UNION BANK.

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That an institution shall be established, under the title of "The Mississippi Union Bank," with a capital of fifteen million five hundred thousand dollars, which said capital shall be raised by means of a loan, to be obtained by the directors of the institution.

Section 2. Be it further enacted, That books of subscription, for the sum of fifteen million five hundred thousand dollars, divided into shares of one hundred dollars each, and intended to secure the loan of said fifteen million five hundred thousand dollars, shall be opened after twenty days notice given in all newspapers published in this State, and in all counties, in which no newspaper may be established, notice shall be given by advertisement, posted up in three of the most public places in each of said counties, immediately after the promulgation of this act, under the inspection of ten managers to be chosen by joint ballot, by the Legislature. Said books of subscription shall be kept open from 10 o'clock, A. M., until three, P. M., at the seat of government of this State, which said books shall be continued open for the six next ensuing months, and at the termination of which period of time, they shall be closed. Immediately after the expiration of the term, the directors to be appointed, as hereafter provided for, or a majority of them, shall make a correct statement of the subscription; and in case the whole sum subscribed for, shall amount to more than fifteen million five hundred thousand dollars, the said directors or a majority of them, shall deduct the amount of such excess from, first, the stock of which sufficient security shall not be offered, and then from the last subscribed shares, in such manner that no subscription shall be reduced in amount, while any one remains larger; and in case the whole amount of one hundred and fifty thousand shares shall not have been subscribed at the time of closing said subscription books, then the said subscription books shall be reopened on the first day of March, in each and every year thereafter, under the inspection of directors appointed, as hereafter provided for; and the said books of subscription shall be kept open for the space of five days in each year, until the full amount of said one hundred and fifty thousand shares shall have been subscribed for. The managers shall publish, during twenty days, notice in the different newspapers published at Jackson, Natchez, Vicksburg, Natchez, Port Gibson, Woodville, and Columbus, and the balance of the newspapers published in this State, of the day and place when said books of subscription may be opened. The deductions to be made by virtue of this section shall be fair and equitable, and without reference to any particular place or places, and to be regulated in the manner prescribed by this section.

Section 3. Be it further enacted, That books of subscription for the stock of said bank shall be also opened at the seat of justice in each county in this State, under the inspection of three managers, at each of the aforesaid places, who shall be elected by the Legislature, viz:

For the county of Anite, E. M. Davis, Wm. H. Dillingham, and V. T. Crawford.

For the county of Adams, Joseph Nelson, Arthur Folson, and Noah B. Galloway.

For the county of Attala, Gordon D. Boyd, Joel Harvey, and Richard Ross.

For the county of Marshall, C. Kyle, Byrd Hill, and Randolph.

For the county of Claiborne, Joseph H. Moore, Benjamin Hughes, Joseph O. Pierceman, Allen McCleuden, and Thomas V. White.

For the county of Carroll, Wm. Black, William Y. Collins, and John E. Palmer.

For the county of Covington, Jesse McAtee, Daniel M. Laurin, and Archibald Anderson.

For the county of Choctaw, Reuben Box, John R. Golden, and John Snow.

For the county of Copiah, Hardin Barnly, William Barnes, and Benjamin Weeks.

For the county of Lauderdale, Epps Brown, Duncan Calhoun, and John Alexander.

For the county of Jasper, Asa Hartfield, John W. Hedrick, and Seymour White.

For the county of Jefferson, J. B. Coleman, John M. Whitney, and H. N. Fleming.

For the county of Jackson, Samuel Davis, Patrick Ward, and B. Childers.

For the county of Kemper, J. A. Marshall, Benjamin C. Oppels, and John C. Thomas.

For the county of Jones, John Moffit, Duncan Thompson, and Lemmon B. Ellis.

For the county of Holmes, James Higgins, Robert Cook, and Arthur Hays.

For the county of Greene, Isham Moody, Daniel P. McInnis, and Alexander McLean.

For the county of Lawrence, Robert Jones, John McGaha, and Henry Calhoun.

For the county of Leake, George S. Fitter, George W. Wilson, and Warren Todd.

For the county of Lowndes, John A. Hogg, George Good, and William H. Walsh.

For the county of Madison, J. Silverburg, John Mance, and William Montgomery.

For the county of Marion, Allen Barnes, James Arkinson, and Wm. Rankin.

For the county of Monroe, James H. Bell, George Wightman, and W. L. Morgan.

For the county of Neshoba, William Donaldson, William Herbert, and Bird Safford.

For the county of Noxubee, James Moore, James T. Harrison, and Joseph H. Frith.

For the county of Oktobeha, Robert A. Laming, A. Bell, and John Billington.

For the county of Perry, Abner Carter, Archibald McCallum, and John S. Hoane.

For the county of Pike, R. T. Sparkman, S. M. Catching, and A. R. Green.

For the county of Rankin, William H. Shelton, Thomas S. N. King, and Charles A. Folsom.

For the county of Scott, John T. Smith, Moses Collins, and S. D. Young.

For the county of Simpson, N. Freeman, J. J. H. Morris, and Joseph Boggan.

For the county of Smith, John Campbell, John Thornton, and Jacob Carr.

For the county of Tallahatchie, Augustus L. Humphrey, Ninian McCracken, and Washington W. Mitchell.

For the county of Washington, William P. Montgomery, Anderson Miller, and Robert McCullough.

For the county of Wilkinson, John L. Wall, Wm. C. S. Ventress, and Thomas S. Herbert.

For the county of Winston, George W. Thomson, Hilary Portwood, and Benjamin Prestegre.

For the county of Wayne, D. C. Shaw, S. H. Lang, and Wm. Towner.

For the county of Franklin, Robert Anderson, John F. Witherspoon, and Thomas Rowan.

For the county of Yalobusha, John Brown, John B. Pass, and Wm. Fly.

For the county of Warren, William M. Pinkard, J. J. Cheuning, and William Henderson.

For the county of Pontotoc, John Bell, Joel Pinson, and Thomas J. Wood.

For the county of Pontotoc, Thomas D. Hill, Augustus B. Sanders, and H. B. Wilcox.

For the county of Bolivar, Wm. B. Cook, Peter Wilkinson, and Francis Patterson.

For the county of Lafayette, Alex. T. Caruthers, Beverly Mitchell, and Thomas Lane.

For the county of Hancock, P. B. Toulme, Samuel White, and Willis H. Arnold.

For the county of Yazoo, Robert L. Bates, Linas B. Markham, and Robert C. Campbell.

And the said managers, or a majority of them, shall keep the aforesaid books open at each of the aforesaid places, from ten o'clock in the morning until two o'clock in the afternoon on Tuesday of each week, for the space of three months, at such houses as they shall designate; they giving thirty days previous notice, by advertisement in the newspapers published in said counties, if any, and in the most contiguous, should there be no newspapers in the counties for which said books of subscription are to be opened; the said managers shall have all the power and authority granted, by this act, to the managers appointed to receive subscriptions at the place designated for the location of the parent bank; and said managers shall immediately after the expiration of the three months, said books are required to be kept open, transmit to the managers of the parent bank, the books of subscription so opened by them at the aforesaid places, together with all the titles, and other documents that may have been received by them, in order that the board of directors of the mother bank may finally decide on the validity and sufficiency of the title so transmitted by them, before the subscribers may be declared to be stockholders, as hereafter provided for; and should any, or either, of the managers herein appointed, fail or refuse to act, then the managers elected to open the books at the seat of government, or a majority of them, may supply all vacancies.

Section 4. Be it further enacted, That the owners of real estate, situated in the State of Mississippi, and who are citizens thereof, shall be the only persons entitled to subscribe; and shares so subscribed, shall be transferable only to such owners, until after five years, when they may be transferred to any owner of real estate in this State, whether citizens or not. Provided however, to secure the capital or interest of said bank, no mortgage shall be given on property of a sufficient character, and of an imperishable nature.

Section 5. Be it further enacted, That in order to facilitate the said Union Bank, for the said loan of fifteen million five hundred thousand dollars, the faith of this State be, and is hereby pledged, both for the security of the capital and interest, and that seven thousand five hundred bonds of two thousand dollars each, to wit: eighteen hundred and seventy-five, payable in twelve years; eighteen hundred and seventy-five, in eighteen years, and eighteen hundred and seventy-five, in twenty years, and bearing interest at the rate of five per cent. per annum, shall be signed by the Governor of the State, to the order of the Mississippi Union Bank, countersigned by the State Treasurer, and under seal of the State. Said bonds to be in the following words, viz:

Know all men by these presents, that the State of Mississippi acknowledges to be indebted to the Mississippi Union Bank, in the sum of two thousand dollars, which sum the said State of Mississippi promises to pay, in current money of the United States, to the order of the President, Directors and Company, in the year with interest at the rate of five per cent. per annum, payable half yearly at the place named in the endorsement hereto, viz:

On the _____ of every year until the payment of the said principal sum. In testimony whereof, the Governor of the State of Mississippi has signed, and the Treasurer of the State has countersigned, these presents, and caused the seal of the State to be affixed thereto, at Jackson, this _____ day of _____, 1837.

Section 6. Be it further enacted, That the said bonds may be transferable by the endorsement of the President and of the Cashier of said bank, to the order of any person whomsoever, or to the bearer, and the said endorsement shall fix the place the said principal and interest shall be paid; and all expenses incurred thereon, shall be defrayed from the funds of the bank.

Section 7. Be it further enacted, That both the principal and interest of the said bonds shall be paid by said bank, at the times they shall severally fall due.

Section 8. Be it further enacted, That to secure the payment of the capital and interest of said bonds, the subscribers shall be bound to give mortgage, to the satisfaction of the directors, on property, to be in all cases equal to the amount of their respective stock, which mortgage may bear on cultivated lands, plantations and slaves; on town lots, yielding a rent; on lands not under cultivation, but susceptible of being cultivated; and on vacant lots, capable of being improved, with this provision, that not more than one-fifth of the stock of each stockholder, may be secured by mortgage on unimproved lands, not included in any plantation, and not in town lots, nor mortgage on slaves alone, shall be received; and that when a mortgage shall be offered on lands and slaves, the value of the lands shall be equal to three-fourths of the stock for which the mortgage shall be given; that houses or other buildings, situated in any city or town, shall always be insured against the risk of fire, and the policy of the insurance transferred to said Union Bank; but it shall not be required to have the buildings on any plantation insured; no mortgage shall be received on a brick building for more than one-half its value; and on a wooden building for more than one-fourth, and that no one shall be permitted to subscribe until he shall deliver to the commissioners a valid act of sale or patents, or certificates of confirmation from the land commissioners of the United States, or partition sales and adjudications by a decree of a court, verified according to law, or such other evidence of title to the property proposed as a guarantee to the bank, as may be deemed satisfactory to said commissioners or directors, that property already mortgaged may be received as a guarantee. Provided, That the directors shall first deduct from the whole value of the property, at least twice the amount of said mortgages, and then grant such, only on the excess, as shall be deemed satisfactory to the directors. That if the directors shall find that the property is not sufficient to secure the mortgage, they shall not receive it, and the mortgage shall be void.

Section 9. Be it further enacted, That the subscribers of the said Union Bank be, and they are hereby, created a corporation, and by this act, from and during the term of thirty years from the passage of this act, shall be, and are hereby, made capable, under the name and style of the Mississippi Union Bank, to receive and possess all kinds of property, either movable or immovable, and to sell, alienate, demise and dispose of the same to loan, to negotiate, to take mortgages and pledges, and to discount on such terms, and such securities, as they shall judge proper. Provided, That the whole amount of their accounts and goods, of every description, do not exceed double the amount of the capital actually received—the profits realized, and in the possession of the bank, being always considered as a part of their capital. And, provided also, That the debts due by the bank exclusive of deposits, shall not exceed double the amount of their capital; and that they shall not exceed double the amount of their capital; and that they shall not take more than seven per cent. interest per annum, on any loan or discount made on notes to order, payable within six months from the time the loan or discount is made; and they may sue or be sued, plead, and be impleaded, answer, and receive answers, in all courts having competent jurisdiction; and to have a common seal, and the same to alter or renew at pleasure; and to ordain and establish such by laws, rules and ordinances, as they shall deem necessary and suitable for the government of said corporation, not being contrary to this act, nor to the constitution and laws of the United States and the laws of this State.

Section 10. Be it further enacted, That for the management of the affairs of said bank, there shall be thirteen directors, chosen from among the stockholders; five of whom shall be elected and chosen by the Legislature, by joint vote of both houses, biennially; and, upon the part of the stockholders, eight shall be annually chosen, at the banking-house of said bank, by the qualified stockholders of the capital of said bank; each stockholder to have one vote, for every share held by him; but no person, copartnership nor firm, shall be entitled to a greater number than one hundred votes, and no one shall be entitled to vote by proxy, more than six hundred votes. The appointments on the part of the State, to be made during the first term of the meeting of the Legislature, at their regular and constitutional meeting, after the passage of this act.

Section 11. Be it further enacted, That those who shall become, and be declared stockholders to the Institution, under the provisions of this act, shall be required to pay in cash, the sum of ten dollars over to the commissioners or directors, or their agents on each and every share subscribed for by them, at such times as may be required by the said directors.

Section 12. Be it further enacted, That after the closing of the books, and when it shall appear that at least five hundred thousand dollars shall have been subscribed, and paid in, on the original stock of the capital of said bank, the said institution shall go into immediate operation, under the provisions hereinafter mentioned.

Section 13. Be it further enacted, That the Legislature shall, upon joint vote, appoint three commissioners in each of the districts of the State hereinafter designated, whose duty it shall be to ascertain, and appraise the property of those who wish to become stockholders in the institution, as well as those who are desirous to obtain loans on mortgage; and the said commissioners shall deliver to all persons whose property they shall appraise, detailed and authentic certificates of its value, of the number of acres of which each is composed, how many acres are under cultivation, and how many are not; the nature of the culture, the number of slaves, and their condition, age, and sex, and

the number of animals employed; the number and quality of the buildings; and an estimate of each and all, which certificate must be signed and sworn to before a judge or magistrate, or some one authorized to administer oaths, by said commissioners or a majority of them.

Section 14. Be it further enacted, That so soon as five thousand shares shall have been subscribed, in the manner herein provided for, the Governor of the State shall provisionally appoint thirteen directors, who shall serve for twelve months; and it shall be the duty of the said directors to choose a President of the said Mississippi Union Bank, and who shall be chosen from among themselves; and the president thus chosen, shall remain in office twelve months following their appointment; and that so soon as the directors are appointed and the president chosen, the power of the commissioners appointed to receive the subscriptions, and the papers relating thereto, and in the possession of the commissioners, shall be delivered over to the board of directors.

Section 15. Be it further enacted, That after the first appointment, an annual election of eight directors, for the stockholders, shall be held on the first Monday in March of each and every year; and the said directors, except those upon the part of the State, shall be elected by the stockholders, or their attorneys, with the restrictions before recited, after public notice of the same is given in the newspapers published at Jackson, Vicksburg, Natchez, Woodville, Port Gibson, Columbus and Manchester, thereby designating the time and place of said election, when the stockholders shall meet for that purpose; the time thus fixed shall be at least two months after the publication of such notice and law; and said directors shall be elected by a plurality of votes; Provided, the said shares shall have been held three calendar months previous to the election; otherwise the holders thereof shall not be entitled to vote; and the directors shall remain in office from the second Monday of March, to the same month in the year following; and the board of directors shall elect, at the first meeting after their election, one of the directors to be president of said institution, and who shall remain in office during the term for which said directors were elected, as above stated. Provided always, That if an election or appointment of directors, or of a president, shall not take place at the period fixed by the present act, the corporation may, on the account thereof, be dissolved, but the said election, or the making of new nominations as the case may be, and the manner and place of holding the elections, shall be fixed by the by laws and ordinances of the board of directors, and until such elections, the president and directors of the said Union Bank, shall be continued in office. And provided also, That in case of vacancy arising from death, resignation, absence from this State, or for the term of six months, non-acceptance, refusal to qualify, or removal from office of any director, the vacancy shall be filled by the board of directors.

Section 16. Be it further enacted, That the cashier, tellers, book-keepers, and all other officers, and servants of the bank shall give security to be approved of by the president and directors of said institution, for the faithful discharge of their duties; and that their appointment shall be made by the direction of the bank; and they may be removable at the pleasure of said directors, and their salaries be fixed by the said directors, who may be increased or diminished, as may be deemed necessary by said board.

Section 17. Be it further enacted, That no individual can be a director of said bank, who is not a citizen, domiciliated in the State, and who does not at the time of his election, in his own right, hold at least thirty shares of the capital stock of said bank, and no engagement, privilege or compensation shall be allowed said director, excepting the President, as herein provided for, nor any one be a director, who is a director of any other bank, nor his partner, nor two persons in partnership or having a joint interest in trade, be at the same time directors of said Union Bank; and if after being elected or appointed, any director should fail, he shall be incapable of holding his office, and another shall be elected in his place, as hereafter provided for, with this provision, that if the director, who shall become incapable of holding his office, or shall resign, or refuse to act, the vacancy shall be filled by the board of directors; or if a director upon the part of the State, shall be appointed by the governor.

Section 18. Be it further enacted, That said corporation shall not issue any note, bill or check, for a less sum than ten dollars, and if payable to order, they shall be transferable by endorsement, and if payable to bearer, they shall be transferable by delivery.

Section 19. Be it further enacted, That the whole of the profits of the said Union Bank shall remain with, and be employed by the directors, as a part of its capital, until the full payment of that portion of the stock, which will be payable in twelve years, after which, one-fourth of the profits realized, shall be divided among the stockholders, in the proportion to which they shall be entitled respectively; and the whole of the remaining and subsequent profits of the bank, shall be employed by the bank until the full payment of the bonds of the State, which will be payable in fifteen years; after which one-fourth of the profits then realized, shall be divided among the stockholders, as before provided for and mentioned, and the whole of the remaining and subsequent profits shall be employed by the bank, until the full payment of the bonds of the State, which will be payable in fifteen years; after which one-fourth of the profits then realized, shall be divided among the stockholders, as before provided for and mentioned, and the whole of the remaining and subsequent profits shall be employed by the bank, until the full payment of the bonds of the State, which will be payable in fifteen years; 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